

## **CITY OF BELMONT**

### **PLANNING COMMISSION**

#### **SUMMARY MINUTES**

**TUESDAY, SEPTEMBER 1, 2009, 7:00 PM**

Chair Horton called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers.

#### **1. ROLL CALL**

Commissioners Present: Horton, Mayer, Parsons, Reed, Mathewson

Commissioners Absent: Frautschi, Mercer

Staff Present: Community Development Director de Melo (CDD), City Attorney Zafferano (CA), Recording Secretary Flores (RS)

#### **2. AGENDA AMENDMENTS - None**

#### **3. COMMUNITY FORUM (Public Comments) – None**

#### **4. CONSENT CALENDAR**

##### **4A. Minutes of August 4, 2009**

MOTION: By Commissioner Mathewson, seconded by Commissioner Reed, to approve the Minutes of August 4, 2009 as presented.

Ayes: Mathewson, Reed, Parsons, Mayer, Horton

Noes: None

Absent: Frautschi, Mercer

Motion passed 5/0/2

#### **5. PUBLIC HEARINGS:**

##### **5A PUBLIC HEARING – 1500 RALSTON AVENUE**

To consider Conditional Use Permit amendments for the Koret athletic field for the Notre Dame de Namur University (NDNU) campus.

Appl. No 2005-0038; APN: 044-360-120: Zoned: PD (Planned Development)

CEQA Status: Recommended Categorical Exception per Section 15305

Dr. Judith Greig (Applicant) Notre Dame de Namur University (Owner)

Planner: Carlos de Melo 650-595-7440

Chair Horton recused herself from this item since she lives within close proximity to the site, and passed the chair to Vice Chair Mayer.

CDD de Melo summarized the Staff Report, stating that no decision will be made at this meeting. The intent of this meeting is to review the background related to the Conditional Use Permit (CUP), solicit public testimony, and hear Commission feedback related to the 4 amendment components listed on pages 8 and 9 of the Staff Report. The eventual goal is to come up with a CUP that works better for everyone concerned than the one that is now in place.

CDD de Melo Chair responded to questions from the Commission as follows:

- The last time the NDNU/Koret Field Task Force met was October 15, 2008.
- NDNU should be asked to elaborate on the term "normal campus activities" in describing how they would

like the field to be used.

- Barrett field on Ralston Avenue is managed in the same way as all City parks. It is allowed to be open at sunrise and closes at sunset 7 days a week 365 days a year.
- He would have to go over the file to determine if past activities on Koret Field violated the City's noise ordinance.
- He would prefer that staff have time do some research to evaluate the CEQA issue before reaching a conclusion on environmental determination.
- As to whether it would be worthwhile to continue the Task Force meetings to try to resolve this issue, he stated that staff continues to be open to working with a Task Force if directed to do so by the Commission, but all parties who would be part of the Task Force would need to be open to it. He had not tried to schedule a meeting since last October.

Vice Chair Mayer asked the City Attorney to give his perspective on some of the legal issues involved and on how a CUP such as this one should be set up so as to be effective and defensible. CA Zafferano responded that it would be optimal to have a CUP that is easy to understand and thereby easy to enforce if necessary. They need to move away from the language that depends on the personal characteristics of users of the field, such as age or gender or affiliation with a particular group.

Vice Chair Mayer opened the Public Hearing and, with the consent of the Commission, determined that, with the exception of the applicant, speakers will be limited to 3 minutes each.

Judith Maxwell Greig, representing NDNU, reminded the Commission that the three reasons they are seeking a change to the CUP are:

- 1) The current CUP places significant and unreasonable restrictions on the use of the field. Normal activities that have taken place on the field for over 30 years have been disallowed. For example, soccer practices in August before school starts must take place on the upper campus parking lot.
- 2) The CUP places a significant burden on the Belmont Police Department and on NDNU Public Safety to respond to alleged violations with varied interpretations of terminology and intent. For example, the terms "dusk" and "youth" have been particularly problematic. There have been four cited violations since the field has reopened.
- 3) The CUP does not allow NDNU to serve the larger Belmont community by supporting the acute shortage in field venues for youth sports.

Ms. Greig described the efforts that NDNU has been making mitigate to the noise concerns of neighbors. She stated that they have been working to comply with the provisions of the CUP, especially since October 2008 when they received a list of the alleged violations. She stated that they hadn't understood that activities that were previously allowed were no longer allowed, and apologized for the violations, but felt that the youth picnic, soccer practice and youth clinic should be allowed under a revised CUP. Responding to the earlier question from the Commission, she stated that there had been no noise ordinance violations of which NDNU had been notified.

Ms. Greig went on to comment that the University has representatives on almost all City subcommittees and that she personally had participated in the Belmont Visioning project in 2003. She read the following quotes from the Belmont Vision Statement:

"We connect with each other in all kinds of gathering places."

"Our University is intrinsic to Belmont's social, artistic and economic life."

"Our playgrounds and athletic fields are of high quality and in high gear."

She added that under the current CUP, Koret field is regrettably not an asset that NDNU is allowed to share with the larger community. The field would not be used as a money making venture, but a nominal fee would be charged to cover costs. Her definition of "normal campus activities" would be games, practices, intramurals, pickup games, morning teambuilding activities, and activities like picnics. She said that a Councilmember had suggested that they hold an art festival on the field. That would not be their intent, but if they were to hold such an event they would expect that it would require a special permit. She added that NDNU endorses the principles – ease of interpretation and enforcement and regulation of activity rather than participants – as outlined in the Staff Report. NDNU is willing to answer questions and work out a compromise with the City with respect to the four components specified in the Staff Report. She clarified that the University was asked for its "ideal" and that is what they submitted. This was submitted by City staff as a proposed revision, which was followed by NDNU's letter as their reason for submitting the petition.

Ms. Greig concluded that, given all that they have done to conform to the CUP and the recommendations of the acoustical engineering firms, and given the scientific evidence that noise is not an issue, they could make the argument that there is no compelling reason why there should be any restrictions placed on their use of the field, but that is not what they were asking for. They are asking that they be allowed to operate their field on their property during the same hours as other athletic facilities in the City – no more, no less. She requested that the Commission address this CUP in a timely manner; they have been cooperating with the City's process and waiting patiently for resolution of this issue for quite a long time.

Commissioner Reed asked Ms. Greig how the City could guarantee that the field will be made available to CYCA and AYSO if the CUP is changed. She responded that NYNU would love to make the field available.

Commissioner Reed asked Ms. Greig why NDNU signed onto the original CUP, which he felt was extremely convoluted. She responded that she was not in a leadership position at that time but understood that they were under time pressures and pieces got added on in attempt to appease rather than think it through. She apologized for the current CUP, stating that it is an embarrassment to NDNU and to the City.

At the request of Commissioner Parsons, CDD de Melo confirmed that the current CUP moved through the Planning Commission rather quickly – the project was submitted in August 2005 and was before the Commission in September 2005. It was an effort that required more thought – more time between initial review by the Commission and the decision of the Commission – and after a full season of activities they could start to see the shortcomings, and the conclusion was reached from an NDNU perspective that it did not work relative to the scheduling of practices and games. Everyone concurs that the CUP needs to be amended to be workable for all.

Responding to a Commissioner Mathewson's question, Ms. Greig confirmed that the reason the project was rushed was that if it had not been built that autumn the funding might not have been available.

Commissioner Parsons added that at the time the project was submitted, the Commission had never dealt with a CUP of this complexity and that the NDNU staff at that time was not very helpful. Everyone was trying to do something that would be good for Belmont but the consequences of the CUP came back to haunt them.

The following neighbors of NDNU registered their objections to the high levels of noise coming from Koret field and the fear that the expansion of the CUP will make it worse:

Matthew Covington  
Margaret Davis  
Raymond Davis  
Cora Zimmerman  
Gordon Seely  
Evelyn Seely

Following is an abbreviated list of the main points made by these speakers:

- Mitigations efforts have not happened, sound levels have not been reduced, speakers are not aimed down, plantings haven't happened.
- The other athletic fields in Belmont are not used for collegiate games; noise level at Barrett is not comparable.
- A sports stadium, concert hall or zoo should be located and bound by rules that minimize unintentional impact on the surrounding community.
- The Task Force fell by the wayside while waiting for a new NDNU President to be selected.
- Would be interested in resuming discussion with NDNU and the Task Force.
- Two form letters supporting the project were from Redwood City residents.
- The City approved the CUP so should find scientific ways to absorb the noise, such as available commercial sound barriers that don't have to be cement and ideally could go all around the field.
- High levels of noise pollution are unhealthy.
- The NDNU bell chime and screaming and yelling at Koret both measure 65 db at a home on Chula Vista.
- Make the Belmont Sports Complex available for all practices and camps
- At the end of August, at least three games were held that did not involve Notre Dame teams.
- The noise problem originates from failure to require an Environmental Impact Report when the original construction proposal was made.

- Because of the expected increase in activity, an EIR should be required at this time.
- Do not allow expansion until noise issue is resolved.

The following people spoke in favor of the proposed amended CUP:

Chuck Horton  
 Jacki Horton  
 Conrad Clevlen, President of NDNU Student Body  
 Kim Richardson (statement read by Carolyn Thompson)  
 Carolyn Thompson  
 Tim Ralles (statement read by Chris Annel)  
 Chris Annel  
 Tom Snider, representing Belmont United Soccer Club  
 Rus Sherman  
 Giuliano Carlini  
 Phyllis Armstrong (statement read by Patty Branscum)  
 Patty Branscum  
 Elvira Swanson  
 Kaweh Abbaszadeh (statement read by Maurice Samelia)  
 Joseph Nicoletti (statement read by Severio Fermi)  
 Severio Fermi  
 Kathleen Stewart, representing Belmont United Soccer Club  
 Ms. Stewart submitted a petition with 200 signatures in favor of expansion of the CUP  
 Robert Luna  
 Daren Stewart, representing Belmont-Redwood Shores AYSO  
 Jeffrey Jang  
 David Tognotti  
 Manouch Ghajar, representing Belmont United Soccer Club  
 Pam Clarke  
 Tom Diridon  
 Maureen Morrissey Parden, representing Belmont Chamber of Commerce  
 Laura Cattarin (statement read by Maureen Dimigerine)  
 Maureen Dimigerine  
 Shannon Byrne, representing NDNU Woman's Soccer Program

Following is an abbreviated list of the main points made by these speakers:

- The noise is not objectionable; it is a pleasure to hear youth having a good time doing something healthy
- The activity influences the youth of the community to become involved in sports. Adolescents who participate in sports report higher grades and positive attitudes towards school and higher academic aspirations.
- Noise from traffic on Ralston is more objectionable.
- At a time when obesity and associated illnesses are affecting our youth, the City should encourage activities that support healthy living.
- Residents moved into the area with full knowledge that the University is likely to make noise and it should be able to conduct itself like any other university and make full use of its athletic facilities.
- Carlmont High School has the same type of turf and has amplification. NDNU should be allowed to run its field on an equal basis with other sports fields in Belmont, most of which are in neighborhoods, and should have the same usage and restrictions as the other athletic fields.
- In view of the shortage of athletic fields in the community, NDNU should be thanked that they are willing to share and maintain their field and the gift should be accepted.
- Athletic fields are second homes to some athletes and a place for students to build strong relationships, and for some a ticket to college.
- NDNU students feel unwelcome to the community because they feel they are being discouraged from being a part of Belmont.
- Having a world-class soccer facility in the community is an incredible opportunity for the City and Belmont should not miss out on this opportunity. The state-of-the-art field is underutilized.
- The greater good of the community should not be sacrificed for a handful of neighbors. Appalled that a few citizens in Belmont could bring it to this level of trying to justify or put restrictions on normal school activities.
- The majority of children involved in local youth soccer clubs are Belmont residents and the soccer programs are in dire need of additional field space.
- Overcrowded conditions create unsafe field environments and higher field maintenance costs for the City.

- Granting the amendment would meet the stated goals and policy of the City of Belmont's General Plan, excerpts of which were read into the record: "Goals: To provide recreational areas for the community and neighborhood use conveniently located and properly designed to serve the needs of the residents of Belmont.... Policy: the City should seek cooperative arrangements and agreements with private organizations and institutions for public use of indoor and outdoor recreational facilities during times when they are unused or underused. The provision of private recreation facilities to serve the community should be encouraged."
- A sense of community is built by a variety of events in Belmont, whether at NDNU or Carlmont Village or elsewhere.
- Addressing Commissioner Reed's concern about guaranteeing use of the fields, as an example, a citizen told of a time when the NDNU lacrosse team ran a 6-week program at Central Elementary School at no cost to the City. NDNU has been a good neighbor.
- Traffic does not seem to have changed and there is no litter or unwelcome loitering
- NDNU contributes academically and culturally and their citizens and employees support businesses and contribute to the Belmont economy.
- The current CUP does not meet the needs of the University.
- This is an opportunity to increase participation and deliver safer fields for Belmont's youth.
- Since Belmont lacks a downtown, Koret field would be another venue for neighbors to interacted.
- Belmont has shown its compassion for youth by passing a parcel tax in a bad economy, raised millions of dollars for Ralston School gymnasium. It is why Belmont properties have held their value.
- The games that took place with teams other than NDNU was an NCAA tournament that would happen perhaps once a season.
- Coaches are not using whistles during practices during the week.
- NDNU students are residents of Belmont and want to feel connected to the Community and want to be role models for Belmont youth.
- Instead of being opposed to the field, neighbors should get involved and come together as a community, and support each other's endeavors and livelihoods. The students want to bring life to the community and encourage the youth and their families to engage at the University's facilities and activities.

MOTION: By Commissioner Parsons, seconded by Commissioner Mathewson, to close the Public Hearing. Motion passed 4/0/1/2 by a show of hands, with Chair Horton recused and Commissioners Mercer and Frautschi absent.

Vice Chair Mayer declared a 5-minute recess at 8:50 p.m.

Commissioners commented as follows:

Commissioner Reed

- The dates and hours of operation should be simple and easy to understand.
- Favored Monday through Saturday 8 a.m. to dusk or sunset and Sunday 10 a.m. to sunset.
- Activities allowed on the field would be all organized sports, commencement and university-sanctioned picnics. All other events would require a special permit.
- The University should use every effort to restrict noise; for example, whistles and air horns would be used only as required by NCAA rules.
- Glad that the speakers were pointed down and that the shrubbery is going to be replanted and added as part of the CUP
- The fence, the berm and the landscaping need to be maintained in good working order.
- He bought his home knowing there was a bowling alley behind him and expected the related noise.
- Universities are good for communities and are considerably more enjoyable than the 25,000 cars a day that use Ralston and are extremely loud and annoying.

Commissioner Parsons

- Did not believe that this field is like all the other fields in the City – it is privately owned, not City owned, operated or maintained.
- Collegiate level competitions generate more traffic, more interest and possibly people from out of town.
- NDNU staff should work with the City on what they can live with – their proposal is for their dream case.
- Wants to know what days of the week and what hours the soccer kids will be there and special activities need to be spelled out.
- Wants to see the field better utilized but he also wants to protect the neighborhoods. The people without kids have a right to enjoy their property just like those who want ball fields.

- Was leaning towards 6 days a week and possibly some Sundays, but not all day on Sundays, and an exception that might allow for some holiday use for a special event.
- Would like to see a special event permit for tournaments that do not include Notre Dame teams.
- Does not want to see words like “dusk” or “sunset.”
- Activities should be community related.
- Saw no reason why neighborhood kids could not go out and throw a ball around.
- Was concerned about the noise and that the landscaping has not been maintained.
- Did not think it would do any good to have the Task Force get back together as the parties were polarized and there was no progress.
- Let staff and the City get together and come back with a proposal for a better CUP.

#### Commissioner Mathewson

- Agreed to Monday through Saturday use with perhaps some activities on Sunday, but felt that neighbors should be given a break from the noise at least one weekend day.
- Agreed that 7:30 is a little early to start and that “dusk” and “sunset” are not really enforceable.
- Agreed that practices, games, intramural sports, and pickup games are acceptable and asked staff to pursue other special activities with NDNU staff.
- Agreed with Commissioner Reed that the whistles and horns could be used when applicable under NCAA rules.
- The landscaping needs to be taken care of.
- Suggested that outside sports groups be limited to other than rush hours and that a new traffic study might be required.
- Questioned what might be used to screen the noise. CDD de Melo stated that he can work with NDNU to find a shrub or tree for along Ralston frontage that is fast growing, gets thick, is easy to maintain and requires a minimum amount of water.
- Was concerned with the sight line going up Chula Vista, adding that some people are more sensitive to noise than others. CDD de Melo stated that staff is going to research CEQA relative to the sound question before they bring this item back to the Commission.

#### Vice Chair Mayer

- Agreed that this is not a public park, it’s a planned unit development property where the construction of the field required a CUP. They are not equal in terms of usage to public parks and private facilities. In that context, the Commission has a responsibility to be concerned with neighbors and their reactions to the approved uses.
- Surprised that the sentiment of the speakers seemed to be more on the side of those who are not bothered by the noises caused by the athletic field. Noise and disruption are subjective – each person has a different level of acceptance and one has to consider the majority as well as the very small minority.
- Liked the approach that staff has taken to arrive at a new CUP, such as moving from defining user groups and user activities and moving to a sense of general activity regardless of the nature of the participants.
- Preferred weekdays and Saturdays, with reduced hours on Sundays and perhaps holidays.
- Would go with clock hours rather than subjective terms such as dusk and sunset.
- Suggested they consider that no activity should occur when holidays fall on Sundays.
- It would be problematic to try to over-define activities because it becomes an enforcement problem; would move towards the activity rather than the participants in that activity.
- Liked the idea of restricting the use of whistles and bullhorns to games where they are required.
- The use of sound barriers could be a problem. He recalled that people who argued for sound walls on freeways found that walls bounced the sound to another neighborhood. He thought that people up on Chula Vista would be even more affected because the sound would be directed up rather than out to the side.
- Staff should be able to come up with something that will be acceptable to NDNU – it will not please everybody but the test of a good situation is one in which neither party is completely happy that they got everything they wanted.

Commissioner Reed mentioned that he believed the word “sunset” is what governs the rule of the public parks in Belmont, noting that if they use a hard and fast time they’ll lose hours of operation in the summer and gain unusable hours of operation in the winter. Using “sunset” and “sunrise” is a relative measure that allows maximum use of the facility and is a time-honored time measurement tool. CDD de Melo will talk to Parks and Rec staff to determine if that has been an issue, adding that newspapers or the internet list when sunrise and sunset will actually occur on a daily basis.

Commissioner Mathewson added that he believed that the things that the University has done have improved the situation, noting that there have been no complaints since last November.

Commissioner Reed added that Koret field is a gorgeous field and that Belmont's grass fields are on the low end in terms of playability. He suggested that the possibility of creating a Koret-like surface at someplace like Barrett might actually save money in the long run.

CDD de Melo summarized saying that staff will take what they heard at this meeting, do some background checking, work with Parks & Rec and NDNU and then schedule another hearing.

Commissioner Parsons asked that as part of their work staff determine the proposed schedules for youth soccer, intramurals, and the University's lacrosse and soccer games and practices.

Commissioner Reed reminded that landscape and maintenance should be included as a component of the revised CUP.

Vice Chair Mayer added that the end result is that they are looking for something easy to understand and easy to enforce.

MOTION: By Commissioner Parsons, seconded by Commissioner Mathewson, to continue this item to a date uncertain.

Ayes: Parsons, Mathewson, Reed, Mayer

Noes: None

Recused: Horton

Absent: Mercer, Frautschi

Motion passed 4/0/1/2

Chair Horton returned to the dais.

A 2-minutes recess was called at 9:25 p.m.

#### 6. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

6A. Motel 6 – 1101 Shoreway Road  
No update at this time.

6B. Charles Armstrong School – 1405 Solana Drive  
He is working with Charles Armstrong School to schedule a meeting.

6C. Ralston/US-101 Landscape Project  
No update at this time.

6D. San Mateo Development – North Road/43rd Avenue  
No update at this time. (See Chair Parsons' comments below)

6E. 900 Sixth Avenue – Belmont Vista Facility  
No update at this time.

6F. Caltrain Landscape Area  
No update at this time.

6G. Parking Study – Downtown Village Areas  
No update at this time.

6H. High-Speed Train (HST) Project – San Francisco to San Jose

A recent court decision relative to the environmental process has put a hold on this project, but meetings are still being scheduled to discuss the issue.

6I. 900 South Road – Single-Family Dwelling  
No update at this time.

6J. Graffiti Removal – Old County Road  
No update at this time.

6K. Chuck's Donuts – 641 Ralston  
No update at this time.

6L. Emmett House  
Work continues to move forward. A meeting of the subcommittee working on this project is tentatively scheduled for September 15th for Chair Horton and Commissioner Parsons to walk through the facility and look at color swatches for exterior colors. Chair Parsons would like to have the opinion of the other Commissioners on the colors, in which case it would need to be put on the Commission's agenda. CDD de Melo will determine if or how this can be accomplished, since it would need to take place during daylight hours.

6M. Landscape Improvements – City Properties – 780 El Camino Real, 875 Ralston Avenue, Sixth/Emmett Streets  
No update at this time.

Other Items  
Carlmont High School's new electronic entry sign will soon be available for Commission review.

The T-Mobile item for the Lyon Avenue communications project is scheduled for City Council review on September 22nd.

The Commission will be reviewing the Belmont Village Zoning Amendments in a study session at the September 15th meeting. They will be looking at the design criteria and signage issues.

Regarding item 6D, Chair Parsons asked that the developer at North Road and 43rd Avenue be given notice to vacate the property and eliminate any vehicular access. He stated that cars are being driven on it, and they are hauling garbage out the back. He still receives emails from the neighbors. He had confirmed with the Public Works Department that there are no utility pipes under Belmont's right-of-way so that trees could be planted there. CDD de Melo believed that the San Mateo Zoning Administrator had made a decision about a Variance relative to reducing the parking requirement for that building. He will follow through.

Commissioner Reed stated that at the last meeting he had identified a hotel that is using an El Camino Real-facing upper deck to store equipment and rubbish, and asked CDD de Melo to confirm that Code Enforcement has followed through on this violation.

#### 8. CITY COUNCIL MEETING OF TUESDAY, SEPTEMBER 8, 2009

Liaison: Chair Horton will be at the meeting.  
Alternate Liaison: Vice Chair Mayer

Commissioner Parson will be available for the next meeting.

#### 9. ADJOURNMENT:

The meeting was adjourned at 9:38 p.m. to a Regular Planning Commission Meeting on Tuesday, September 15, 2009 at 7:00 p.m. in Belmont City Hall.

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Carlos de Melo  
Planning Commission Secretary

CD's of Planning Commission Meetings are available in the  
Community Development Department.  
Please call (650) 595-7416 to schedule an appointment.